

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-50 are pending in this application. Claims 1, 6, 11, 16, 21, 26, 31, 36, 41, and 46, which are independent, are hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, and specifically on pages 19-25.

It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-50 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,260,750 to Barad, et al. (hereinafter, merely "Barad").

Claim 1, as amended, recites, *inter alia*:

"... question data transmission means for transmitting question data regarding changeable items in said software of said virtual creature ...

wherein the changeable items include internal conditions, which include at least one of an emotional tendency, an instinct tendency, or an action configuration program,

wherein the emotional tendency comprises an emotion model having a plurality of parameters storing a strength of each emotional tendency,

wherein the instinct tendency comprises an instinct model having a plurality of parameters storing a strength of each instinct tendency, and

wherein the action configuration program comprises a probability automaton to determine a next action ...”

(Emphasis added)

As understood by Applicant, Barad relates to the manufacturing and marketing of a personalized toy through the use of computer screen images. As to the manufacturing, a user viewing the displayed images is allowed to record a selected configuration of a component to be assembled as part of the personalized toy. A representational image of the toy incorporating the selected configuration may be displayed.

Applicant respectfully submits that nothing has been found in Barad that would disclose or suggest the above-identified features of claim 1. Specifically, Barad does not teach or suggest an emotional tendency that comprises an emotion model having a plurality of parameters storing a strength of each emotional tendency, as recited in claim 1. Similarly, Barad fails to teach or suggest an instinct tendency that comprises an instinct model having a plurality of parameters storing a strength of each instinct tendency, as recited in claim 1. Finally, Barad does not disclose or suggest an action configuration program that comprises a probability automaton to determine a next action, as recited in claim 1.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 6, 11, 16, 21, 26, 31, 36, 41, and 46 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

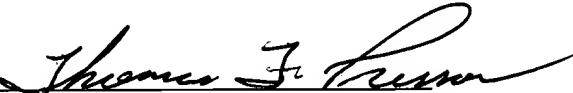
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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